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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,310	09/23/2003	Satoru Wakao	00862.023242.	9270

5514 7590 03/19/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

TO, BAOTRAN N

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/667,310		WAKAO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Bao Tran N. To		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/23/03 &amp; 11/05/03</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-18 are pending in the application.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 09/23/2003 and 11/05/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-12 recite "an image authentication program" that is merely a set of instruction capable of being executed by a computer, the computer program itself is not a process. Therefore, the image authentication program is non-statutory subject matter because there is no physical structure such as hardware components in the claim language.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-6, 8-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato (U.S. Patent 6,141,111) hereinafter Kato.

Regarding Claims 1, 5, and 9, Kato discloses an image authentication apparatus having control means for controlling a classifying process that classifies each image file into a group corresponding to a type of authentication data in each image file (Figures 3A-3D, col. 4, lines 20-53), and

a displaying process including a process of displaying in display means data related to each image file in group unit (Figure 3A-3D, col. 3, line 65 through col. 4, line 9).

Regarding Claims 2, 6, and 10, Kato discloses the limitations of Claims 1, 5, and 9. Kato further discloses wherein the classifying process is targeted to a file existing in a folder selected by a user, or a file selected by a user (Figures 4A-4B, 6 and 8).

Regarding Claims 4, 8 and 12, Kato discloses the limitations of Claims 1, 5, and 9. Kato further discloses wherein the displaying process further includes at least one of a process of displaying in the display means a total number of image files that belong to one group, and a process of displaying in the display means a total number of image files that belong to all groups (Figures 4A, 6, and 8).

Regarding Claims 13, 16 and 17, Kato discloses an image authentication apparatus for examining and authenticating whether or not an image file has been altered, comprising:

classifying means for determining a type of alteration authentication data in each of a plurality of image files stored in predetermined storage means (Figure 2, element 51, col. 4, lines 10-35), and

classifying the plurality of image files into a plurality of groups based on the type of authentication data (Figures 3A-3D, col. 4, lines 20-53);

alteration authenticating means for examining and authenticating whether or not each of the image files classified into respective groups is altered based on respective authentication data (Figures 12 and 14 step 55, col. 9, line 30- col. 10, line 6); and

display control means for displaying in group unit an authentication result of the alteration authentication data (Figure 3A-3D, col. 3, line 65 through col. 4, line 9).

Regarding Claim 14, Kato discloses the limitations of Claims 13, 16 and 17. Kato further discloses wherein said classifying means also classifies an image file which does not have alteration authentication data (col. 2, lines 24-49).

Regarding Claim 15, Kato discloses the limitations of Claims 13, 16 and 17. Kato further discloses wherein a target displayed by said display control means includes a thumbnail image of each image file (Figure 4A).

Regarding Claim 18, Kato discloses the limitations of Claims 13, 16 and 17. Kato further discloses a computer-readable storage medium storing the computer program described in claim 13 (Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato as applied to Claims 1, 5, and 9 above, and further in view of Kondoh et al. (U.S. Patent 6,968,058 B1) hereinafter Kondoh.

Regarding Claims 3, 7, and 11, Kato discloses the limitations of Claims 1, 5, and 9. Kato does not disclose wherein in the classifying process, an image file associated with authentication data generated by using a private key cryptosystem or a compression function is classified into a first group, and an image file associated with authentication data generated by using a public key cryptography is classified into a second group. However, Kondoh explicitly discloses wherein in the classifying process, an image file associated with authentication data generated by using a private key cryptosystem or a compression function is classified into a first group, and an image file

associated with authentication data generated by using a public key cryptography is classified into a second group (Figures 1-2, col. 7, lines 21-65) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Kondoh's reference with Kato to include wherein in the classifying process, an image file associated with authentication data generated by using a private key cryptosystem or a compression function is classified into a first group, and an image file associated with authentication data generated by using a public key cryptography is classified into a second group. One of ordinary skill in the art would have been motivated to do this because it would provide the high security level.

#### ***Contact Information***

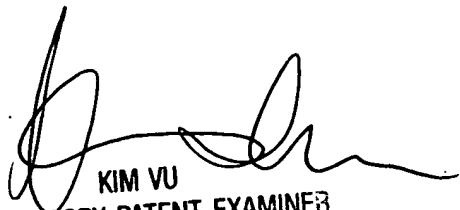
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BT  
03/13/2007

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100